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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

SAFAVI, MICHAEL

ART UNIT

PAPER NUMBER

3673

6

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,341

Applicant(s)

PATON-ASH ET AL.

Examiner

M. Safavi

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 17, 18 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 12-16, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Objections

1. Claims 17, 18, and 19 are objected to under 37 CFR § 1.75(g). A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not appear clear and complete as to "the step of supporting a load of at least five tons...". The specification does not appear to set forth any particular procedural step involving "...supporting a load of at least five tons...".

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21, line 15, what is being defined by "...through notches of and the respective chocks"?

Claim 22, it is not clear as to what is being defined by "the step of supporting a load of at least five tons...". The specification does not appear to set forth any particular procedural step involving "...supporting a load of at least five tons...".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. Claims 1-6, 11, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by German reference 287299. German reference 287299 discloses, Figs. 2 and 3, a crib arrangement

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having a plurality of chocks connected together to form four planes, (at least two in perpendicular relation with each other), and capable of supporting at least five to twenty tons of load with each notch having only one edge with a spacer, (at very end of each notch along the edge thereof), defining a receiving zone 5 with the edge, (outer edge or face of block 4), of the corresponding notch.

8. Claims 1-6, 11, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Reinmann et al. Reinmann et al. discloses, Figs. 2 and 3, a crib arrangement having a plurality of chocks connected together to form four planes, (at least two in perpendicular relation with each other), and capable of supporting at least five to twenty tons of load with each notch having only one edge with a spacer 40 defining a receiving zone 26, 28 with the edge, (i.e., outer edge or face of block depicted by brace 30 of Fig. 2), of the corresponding notch.

9. Claims 1-11, 17, 18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Flath. Flath discloses, Figs. 1, 5, and 6, a crib arrangement having a plurality of chocks connected together to form four planes, (at least two in perpendicular relation with each other), and capable of supporting at least five to twenty tons of load with each notch having only one edge with a spacer, (shown to left of 37 in Fig. 6), defining a receiving zone 37 with the edge 38 of the corresponding notch. Also, spacer 39 defines a receiving zone with the edge of the corresponding notch, (edge of notch defined by edge or end face of 40). Outward surfaces of blocks 38 or 40,

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for example, form or define the edge of the notches with blocks 38 or 40 being attached to upper and lower surfaces of primary piece 10. Base is lower or lowest row of chocks while the top is upper or uppermost row of chocks.

10. Claims 1-7, 11, 17, 18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hahn. Hahn discloses, Figs. 1 and 2, a crib arrangement having a plurality of chocks connected together to form four planes, (at least two in perpendicular relation with each other), and capable of supporting at least five to twenty tons of load with each notch having only one edge with a spacer, (either 5 or outer part of chock 1 forming widthwise notch 3), defining a receiving zone 3 with the edge, (outer facing end or edge of block 1), of the corresponding notch. Outward surfaces of blocks 1, for example, form or define the edge of the notches. Base is lower or lowest row of chocks while the top is upper or uppermost row of chocks.

11. Claims 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothenberg, Jr. Rothenberg, Jr. discloses forming a "chock" 15 as by attaching a first block 55 to a top side of primary piece 40/42 as well as attaching a second block 55 to a bottom side of primary piece 40/42 and including the step of placing a stop 45 adjacent each end of the primary piece and in spaced relation with the respective block 55 to define a receiving zone 47.

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Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniel. McDaniel discloses formation of a cribbing as by connecting a plurality of chocks each chock having at least one notch with only one edge. To have formed the McDaniel cribbing within an underground environment supporting anywhere from 5 to 20 tons of load, such as within a mine or tunnel, thus affording the supporting features of the McDaniel cribbing within a mine or tunnel environment, would have constituted an obvious expedient to one of ordinary skill in the art particularly in view of McDaniel's disclosure at col. 1, lines 5-9.

14. Applicant is advised that should claims 6 and 7 be found allowable, claims 17 and 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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15. Claims 12-16, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2168.



**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 3673**

M. Safavi
April 19, 2003